

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

Laurie Ortolano,

Plaintiff,

v.

No. 22-cv-00326-LM

The City of Nashua, New Hampshire, et al.,
Defendants.

DECLARATION OF BRIAN T. CORRIGAN, ESQUIRE

I, Brian T. Corrigan, Esquire, make this declaration under the authority of 28 U.S.C. 1746 and state as follows:

1. I am counsel to Defendants Inception Technologies, Inc. and Raymond Feoli.
2. I make this Declaration based on my own personal knowledge.
3. The documents attached hereto are true and accurate copies of documents relating

to this matter:

- Excerpts of the Deposition of Defendant Raymond Feoli, taken 4/10/24
- Excerpts of the Deposition of Plaintiff Laurie Ortolano, taken 5/8/24

I declare under the pains and penalties of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

Dated May 31, 2024

/s/ Brian T. Corrigan

Brian T. Corrigan

CERTIFICATE OF SERVICE

I certify that a copy of this filing was served via the Court's ECF filing system upon counsel of record.

/s/ Brian T. Corrigan

Brian T. Corrigan

<p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW HAMPSHIRE</p> <p style="text-align: center;">*****</p> <p style="text-align: center;">Laurie Ortolano</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p style="text-align: center;">The City of Nashua, New Hampshire, et al.,</p> <p style="text-align: center;">Defendants.</p> <p style="text-align: center;">*****</p> <p style="text-align: center;">DEPOSITION OF RAYMOND E. FEOLI</p> <p style="text-align: center;">Deposition taken by agreement of counsel via Zoom on Wednesday, April 10, 2024, commencing at 10:00 A.M.</p> <p>Court Reporter: Tina L. Hayes, RPR, NH LCR #80 (RSA 310-A:161-181)</p>	<p style="text-align: right;">3</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>1 Representing the Defendants, Raymond Feoli and Inception Technologies, Inc.:</p> <p>3</p> <p style="text-align: center;">CORRIGAN LAW OFFICES 122 Chestnut Street Andover, MA 01810 By: Brian T. Corrigan, Esquire (978)988-1544 corriganlaw@gmail.com</p> <p style="text-align: center;">S T I P U L A T I O N S</p> <p>8</p> <p>It is agreed that the deposition shall be taken in the first instance in stenotype and when transcribed may be used for all purposes for which depositions are competent under the Federal Rules of Civil Procedure.</p> <p>11</p> <p>Notice, filing, caption and all other formalities are waived. All objections except as to form are reserved and may be taken in court at time of trial.</p> <p>14</p> <p>It is further agreed that if the deposition is not signed within 30 days, the signature of the deponent is waived.</p> <p style="text-align: center;">I N D E X</p> <p>16 WITNESS:</p> <p>17 Raymond E. Feoli</p> <p>18 EXAMINATION: PAGE</p> <p>19 By Mr. Olson 5, 57</p> <p>20 By Mr. Cullen 55</p> <p>21 ERRATA SHEET 59</p> <p>22 CERTIFICATE OF REPORTER 60</p> <p>23</p>
<p style="text-align: right;">2</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>1 Representing the Plaintiff:</p> <p>2 OLSON LAWYERS</p> <p>3 31 Franklin Road</p> <p>4 Salisbury, NH 03268</p> <p>5 By: Kurt S. Olson, Esquire (603)748-1960 kolson@mslaw.edu</p> <p>6</p> <p>7 Representing the Defendants, The City of Nashua, Michael Carignan, and Frank Lombardi:</p> <p>8</p> <p style="text-align: center;">CULLEN COLLIMORE SHIRLEY, PLLC 37 Technology Way, Suite 3W2 Nashua, NH 03060</p> <p>9</p> <p>10 By: Brian J.S. Cullen, Esquire (603)881-5500 bcullen@cullencollimore.com</p> <p>11</p> <p>12</p> <p>13 Representing the Defendant, Kimberly Kleiner:</p> <p>14</p> <p style="text-align: center;">FRIEDMAN FEENEY, PLLC 95 North State Street, Suite 5 Concord, NH 03301</p> <p>15</p> <p>16 By: Dona Feeney, Esquire (603)783-5105 dfeeney@friedmanfeeney.com</p> <p>17</p> <p>18 Representing the Defendants, Steven Bolton and Celia Leonard:</p> <p>19</p> <p style="text-align: center;">UPTON & HATFIELD, LLP 10 Centre Street Concord, NH 03301</p> <p>20</p> <p>21 By: Madeline K. Osbon, Esquire (603)224-7791 mosbon@uptonhatfield.com</p> <p>22</p> <p>23</p>	<p style="text-align: right;">4</p> <p>1 EXHIBITS FOR IDENTIFICATION:</p> <p>2 MARKED DESCRIPTION PAGE</p> <p>3 Exhibit 1 Purchase Order No. 158909 15</p> <p>4 Exhibit 2 Defendant Raymond Feoli, Inception Technologies President's Objections and Responses to Plaintiff Laurie Ortolano's Requests for Production of Documents</p> <p>5</p> <p>6</p> <p>7</p> <p>8 Exhibit 3 Defendant Raymond Feoli, Inception Technologies President's Objections and Responses to Plaintiff's First Set of Interrogatories</p> <p>9</p> <p>10</p> <p>11 Exhibit 4 Affidavit of Plaintiff Laurie Ortolano 50</p> <p>12 (Electronic Exhibits were provided to all parties.)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>

<p style="text-align: right;">33</p> <p>1 Q. Thank you.</p> <p>2 A. -- "believed her to be a City official</p> <p>3 based on her intimate knowledge of the City's</p> <p>4 business, the terms of Inception's contract, and the</p> <p>5 status of PO, billing and payments, as well as her</p> <p>6 statements."</p> <p>7 Q. Do you recall if that's what you told the</p> <p>8 detective at the time?</p> <p>9 A. I don't recall exactly, no.</p> <p>10 Q. Okay. I believe, in answer to an earlier</p> <p>11 question, you didn't mention all of those things.</p> <p>12 But we can look at the detective's report in a</p> <p>13 minute.</p> <p>14 A. Sure.</p> <p>15 Q. And skip ahead to No. 12. Tell me when</p> <p>16 you are ready, Ray, please.</p> <p>17 A. Yeah. (Perusing document.) Okay.</p> <p>18 (Perusing document.) Okay.</p> <p>19 (Perusing document.) Okay.</p> <p>20 Q. So in the middle of, actually, that begins</p> <p>21 with "Thinking Ms. Ortolano," would you read that.</p> <p>22 A. "Thinking Ms. Ortolano was a City</p> <p>23 official, I promptly returned the call."</p>	<p style="text-align: right;">35</p> <p>1 don't have access to those files. When can we get</p> <p>2 those files back?' I did not provide Ms. Ortolano</p> <p>3 access to the scanned documents."</p> <p>4 Q. Thank you.</p> <p>5 So I don't believe that you mentioned the</p> <p>6 quoted language here when you described that second</p> <p>7 phone call. Do you recall that?</p> <p>8 A. I am not sure what you are referring to.</p> <p>9 Q. So where you have in quotes down at the</p> <p>10 line -- first line from the bottom --</p> <p>11 A. Yeah.</p> <p>12 Q. -- "We don't have access to those files.</p> <p>13 When can we get those files back."</p> <p>14 As you sit here today, do you recall her</p> <p>15 saying that or asking those questions?</p> <p>16 A. Yeah. That -- she was concerned about</p> <p>17 documents that were being requested. And she made</p> <p>18 comment that, while we have those files in our --</p> <p>19 Inception's possession, that she didn't have access</p> <p>20 to those files.</p> <p>21 And I said to her that, you know, "You do.</p> <p>22 Because when we scan them and upload them into</p> <p>23 DocuWare, you can search and retrieve those files."</p>
<p style="text-align: right;">34</p> <p>1 Q. Okay. And just to clarify, when you</p> <p>2 received that voicemail message, was there anything</p> <p>3 in it that led you to believe that Ms. Ortolano was</p> <p>4 a City employee?</p> <p>5 A. Just like I said, she -- I have never had</p> <p>6 this situation come up where I have had a client of</p> <p>7 a customer call me looking for information. She</p> <p>8 mentioned Nashua. She mentioned the PO. I just</p> <p>9 concluded she was with the City.</p> <p>10 Q. Okay. So you are really sort of</p> <p>11 reinforcing your previous answer that, because it</p> <p>12 was so rare or maybe had never happened before, that</p> <p>13 you were assuming that she was a City employee;</p> <p>14 correct?</p> <p>15 A. In 28 years, it's never happened.</p> <p>16 Q. Okay. And if you go down to the bottom of</p> <p>17 your answer, beginning with "On or about February 4,</p> <p>18 2022," please read that.</p> <p>19 A. (As read) "On or about February 4, 2022,</p> <p>20 Ms. Ortolano called me again and left a voicemail.</p> <p>21 Once again, I promptly returned the call.</p> <p>22 Ms. Ortolano questioned me about public access to</p> <p>23 the documents, at one point stating/inquiring: 'We</p>	<p style="text-align: right;">36</p> <p>1 And that's, again, under the thought that she was</p> <p>2 with the company [sic]. And I mentioned that she</p> <p>3 could, you know, have Kim provide her log-in</p> <p>4 credentials to get access to those files if she were</p> <p>5 a City employee. She didn't say she wasn't. And</p> <p>6 she let it go, and that was it.</p> <p>7 Q. Okay. And the last line in your answer</p> <p>8 here where you say "I did not provide Ms. Ortolano</p> <p>9 access to the scanned documents," did she ever ask</p> <p>10 you for the scanned documents?</p> <p>11 A. She wanted to know when they could have</p> <p>12 access to them. She didn't specifically say</p> <p>13 "scanned documents." I said to her that, you know,</p> <p>14 "You could have access to those scanned documents if</p> <p>15 you got log-in credentials from Kim."</p> <p>16 As a company, we don't give out log-in</p> <p>17 credentials from -- we pick a point of contact</p> <p>18 within the organization who tells us, "Yes, this</p> <p>19 person can have access to those files." So I kind</p> <p>20 of was referring to the fact that, if she wanted to</p> <p>21 get access to those scanned documents, as an</p> <p>22 employee of the City, she could have requested</p> <p>23 log-in credentials.</p>

<p style="text-align: right;">37</p> <p>1 Q. Thank you.</p> <p>2 One more from this document and that's</p> <p>3 Interrogatory No. 14 starting here.</p> <p>4 A. (Perusing document.) Okay.</p> <p>5 (Perusing document.) Okay.</p> <p>6 Q. So before we scroll on through this one,</p> <p>7 Ray, at the bottom of the first paragraph here,</p> <p>8 would you read the sentence beginning with "She</p> <p>9 stated that she would."</p> <p>10 A. "She stated that she would make sure</p> <p>11 payment from the City would be expedited."</p> <p>12 Q. Okay. And I believe this is all</p> <p>13 repetitive of something you wrote before?</p> <p>14 A. Uh-huh.</p> <p>15 Q. But we now get to an email. Do you</p> <p>16 recognize this email?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And what is it?</p> <p>19 A. It's an email that I sent to my customer</p> <p>20 that was essentially summarizing what I determined</p> <p>21 to be a breach of my customer's information. My</p> <p>22 responsibility is to my customer and to keep their</p> <p>23 information confidential, regardless of the nature</p>	<p style="text-align: right;">39</p> <p>1 A. So I know what my thought process was</p> <p>2 around writing it, which was that I felt that I had</p> <p>3 violated our security protocols by disclosing</p> <p>4 customer information about -- you know, to somebody</p> <p>5 who wasn't with my customer.</p> <p>6 Q. Okay. Thank you.</p> <p>7 And the paragraph that begins on this page</p> <p>8 with "This past Friday," would you read that first</p> <p>9 sentence, please.</p> <p>10 A. "This past Friday I received a voicemail</p> <p>11 from Ms. Ortolano which I forwarded to Kim Kleiner</p> <p>12 after speaking with Ms. Ortolano and finding about</p> <p>13 this person from Kim."</p> <p>14 Q. Thank you.</p> <p>15 So you described that before, I believe;</p> <p>16 right? So after the second phone call with</p> <p>17 Ms. Ortolano, you communicated with Ms. Kleiner;</p> <p>18 correct?</p> <p>19 A. No. I believe that it was the third, not</p> <p>20 the second, because I didn't notify Kim about a</p> <p>21 voicemail from Ms. Ortolano. Now, I still had a</p> <p>22 copy of the voicemail in my email box and forwarded</p> <p>23 it to her after I found out that she wasn't with the</p>
<p style="text-align: right;">38</p> <p>1 of the information. So I felt that it had been</p> <p>2 breached and I needed to notify my customer the</p> <p>3 circumstances around that.</p> <p>4 Q. Do you recall whether you ever</p> <p>5 mentioned -- excuse me -- anything about a security</p> <p>6 breach in this email? I will let you read the whole</p> <p>7 thing before you answer, if you want to take a --</p> <p>8 A. No, I don't specifically recall saying</p> <p>9 "data breach" in there. But, essentially, for me,</p> <p>10 that's what it came down to.</p> <p>11 Q. Okay. And do you know whether notice of a</p> <p>12 security breach is required by the New Hampshire</p> <p>13 statute?</p> <p>14 A. I don't know that it's required. So I</p> <p>15 don't know if it's required by New Hampshire</p> <p>16 statute.</p> <p>17 Q. Okay. Would you like to read through this</p> <p>18 just to find out whether or not you did mention</p> <p>19 anything about a security breach, or are you</p> <p>20 confident that you didn't?</p> <p>21 A. No, I am not confident that I did or</p> <p>22 didn't.</p> <p>23 Q. Okay.</p>	<p style="text-align: right;">40</p> <p>1 City.</p> <p>2 Q. Okay. But will you agree with me that</p> <p>3 that first sentence indicates that you spoke --</p> <p>4 sorry -- you forwarded the voicemail to Kim Kleiner.</p> <p>5 And then it says that "finding out about this person</p> <p>6 from Kim." Does that mean that you found out from</p> <p>7 Kim that Ms. Ortolano was not a City employee?</p> <p>8 A. Yes. As I stated before, until that phone</p> <p>9 call with Kim identifying the employees that I</p> <p>10 thought were with the City -- or that I had</p> <p>11 communicated with the City, until that point in</p> <p>12 time, I that had no reason to believe that Laurie</p> <p>13 wasn't with the City.</p> <p>14 Q. Okay. And then if you don't mind reading</p> <p>15 that second sentence beginning with "I called her</p> <p>16 back"?</p> <p>17 A. "I called her back thinking she was with</p> <p>18 the City and we had just invoiced another batch."</p> <p>19 Q. So based on the first sentence, do you</p> <p>20 think that you already knew at that point that</p> <p>21 Ms. Ortolano was not with the City?</p> <p>22 A. No. I didn't know that she was not with</p> <p>23 the City until Kim said she wasn't with the City.</p>

<p style="text-align: right;">41</p> <p>1 Q. Okay. But I am just trying to get clear 2 here, because the first sentence shows that you 3 forwarded Kim Kleiner the voicemail; and then it 4 says "finding out about this person from Kim." Will 5 you agree that that suggests that Kim informed you 6 that Ms. Ortolano was not with the City? 7 A. I thought I already stated that. 8 Q. Right. But then your next sentence says 9 that you called her back thinking she was with the 10 City. 11 A. Yeah, I did. I called Kim -- not -- 12 the times she had called me -- those three times 13 she called me and left voicemails, I called her 14 back. 15 Q. Okay. 16 A. Maybe I didn't word it properly and 17 clearly, but that's essentially what happened. 18 Q. Okay. So it's your testimony today that 19 you called Ms. Ortolano back prior to the call with 20 Kim Kleiner; is that correct? 21 A. Correct. I did not -- I called 22 Ms. Ortolano back each time she left a message, 23 which was three times. After the third one, I got a</p>	<p style="text-align: right;">43</p> <p>1 regards to Laurie's statements about being with the 2 City, et cetera. 3 Q. And what sort of clarification did you 4 give him? 5 A. Same thing I told you, is that it wasn't 6 anything that she said. Like, she never came out 7 and said, "I am not" -- "I am with the City." It 8 was more that she had intimate knowledge about 9 things that, you know, in my experience, only 10 customers would have. I never had this happen in 11 28 years. And she never came out and said, "I am 12 not with the City," or, "I am" -- you know, "I need 13 this information for, you know, litigation 14 purposes," or whatever. She just asked questions 15 about specific, you know, POs and, you know, status 16 of the project, et cetera. 17 Q. Okay. So based on that answer, in your 18 conversation with Mr. Comeau, you gave him details 19 about your thoughts regarding Ms. Ortolano; correct? 20 A. I don't recall giving her [sic] any 21 thoughts other than that, you know, I didn't -- I 22 felt like she could have been more forthright about 23 who she was and -- and, you know, sort of what she</p>
<p style="text-align: right;">42</p> <p>1 call back, I think it was, within a couple of days 2 of speaking with Laurie Ortolano. And Kim asked me 3 those questions about who I had been talking to. I 4 identified the people I thought were with the City 5 that I had spoken to. And then that's the point 6 where Kim said, "Oh, no, she is not with the City," 7 and I said, "Oh, okay." So... 8 Q. Okay. Then at some point, I believe it 9 was, on February 11th -- but correct me if I am 10 wrong -- you received an email from Mr. Comeau from 11 the board of aldermen in Nashua? 12 A. I don't think I got an email. I think I 13 got a voicemail. 14 Q. Okay. 15 A. I could be wrong on that one, but -- 16 Q. Okay. So we can check if we need to. But 17 leaving that aside, you did receive some form of 18 communication from Mr. Comeau of the board of 19 aldermen; correct? 20 A. Yes. 21 Q. Okay. And do you recall the substance of 22 that conversation? 23 A. Yes. He wanted to clarify my email in</p>	<p style="text-align: right;">44</p> <p>1 was asking for. Because, you know, to my knowledge, 2 she was with the City and I was giving information 3 about that. So... 4 Q. Okay. But you didn't inform Mr. Comeau 5 that there may have been a data breach; right? 6 A. Yeah. Actually -- well, I had already 7 sent the -- the email, which, like I said, I 8 didn't -- I don't know if I specifically used the 9 term "data breach," but I did disclose customer 10 information. 11 So, you know, I may not have used the 12 proper term, "data breach," in there. But when I 13 let go private information to somebody who is not 14 authorized to have it, I feel an obligation to let 15 my customer know that I have done that. And that's 16 essentially what this email is. 17 Q. Okay. 18 A. And -- 19 Q. So -- go ahead. Sorry. 20 A. The email was purely a notification to my 21 customer. I had no understanding that it was going 22 to be read into public forum. It was something that 23 I was just sending to let them know this is what</p>

UNITED STATES DISTRICT COURT
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DISTRICT OF NEW HAMPSHIRE

LAURIE ORTOLANO

VS NO: 22-CV-00326-LM

THE CITY OF NASHUA, Et Al.

DEPOSITION OF LAURIE ORTOLANO

This deposition taken by agreement of counsel
at the Law Offices of Cullen, Collimore & Shirley,
37 Technology Way, Suite 3W2, Nashua, New
Hampshire, on May 8, 2024, commencing at 10:20 a.m.

Laurie Ortolano

May 08, 2024

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1 Q But short -- within 2020 most likely?

2 A Yes, I don't think it started in '19. I think

3 it started in '20, and COVID was running, it

4 was tricky. I remember COVID being a factor.

5 Q I guess, if you say here the budget -- "The

6 City chose to undertake the project in 2020,"

7 I am just trying to get a sense how soon after

8 that, after it started, did you learn about

9 it?

10 A Oh, I would have learned about it -- I went to

11 a lot of budget review committee meetings. I

12 would have learned about it right then. It

13 would have been something that piqued my

14 interest. It was a big deal.

15 Q That was going to make your assessment work

16 easier, if it is digitized, theoretically?

17 A Theoretically. I had some doubts.

18 Q Theoretically, this was going to be

19 potentially a boon for you?

20 A A help, to have home resources to review

21 property files, not just a card, but files.

22 Q Paragraph 5, you write, "Unfortunately that

23 project started to linger, which restricted

1 scanning, and when is it coming back, and

2 there was a system set up in assessing that

3 when they boxed them, there was supposed to be

4 an indexing system, so if a citizen wanted a

5 record, and they were still in city hall, you

6 could retrieve it from the box, but they were

7 not retrieving them.

8 Then when they went out to

9 Inception, they were taking a very long time

10 to get the boxes back. The records were just

11 not available. It went on for years.

12 Q So the short answer is within about six months

13 of when the project started, Inception was

14 lingering?

15 A Yes, I will bear that in mind.

16 Q At some stage, you spoke with Raymond Feoli

17 about the project, right?

18 A Yes.

19 Q And did you reach him the first time you

20 called him, or was it a voicemail the first

21 time?

22 A I don't think I reached him at all. I mean, I

23 remember having a very hard time finding his

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1 access to these public records, and resulted

2 in great frustration."

3 Do you mean great frustration to

4 you?

5 A Yes.

6 Q When was it that the project started to

7 linger?

8 A Well, I believe it was presented to the budget

9 committee as being something that could be

10 done in like four to six months, and this

11 was -- I am not certain it is done now. So

12 this had a lot of, it took a lot more time.

13 Yes, it took years. Like I said, I don't know

14 if it is done.

15 Q So the project started, according to paragraph

16 4, in 2020.

17 About when was it that you

18 decided -- that you determined it started to

19 linger?

20 A When we cleared like six months, when we

21 cleared that time, and what happened is I

22 would contact assessing to get a file, and

23 they would say, oh, it is boxed, it is out for

1 number. Whenever I called, I don't think it

2 even worked.

3 At some point, I reached him. Would

4 it have been a voicemail at the beginning, I

5 don't recall.

6 Q When you first spoke to him, how did you

7 introduce yourself?

8 A Laurie Ortolano, I am trying to find out when

9 we are going to have the scanning job done on

10 all of these property cards.

11 Q Did you tell him that it was Laurie Ortolano

12 from Nashua?

13 A Well, I think -- I don't necessarily think I

14 even said from Nashua, because I was

15 discussing the Nashua project, so I am not

16 certain I announced it that way.

17 I explained to him why I was

18 frustrated, which I believe he would have

19 understood, I am a citizen. I am trying to

20 retrieve files, and I said, you have had a

21 batch of files in your office for an extended

22 period of time. And he explained to me, yes,

23 they are sitting right in my warehouse.

Laurie Ortolano

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1 I said if you don't ship them back,
 2 then people like me, a citizen, cannot get
 3 those files, because they are not back in the
 4 office. So I thought he understood that I was
 5 clearly speaking as a frustrated person trying
 6 to find the files.
 7 Q Are you telling me now you said me as a
 8 citizen?
 9 A Well, I definitely said I can't get these
 10 files to look through them.
 11 Q Because you say in the affidavit, we don't
 12 have access to those files. You put it in
 13 quotes.
 14 Is that what you said?
 15 A Sure.
 16 Q I want to make sure. Sometimes we have a
 17 tendency to talk about what I would have said,
 18 what I could have said, what I should have
 19 said.
 20 A Absolutely.
 21 Q What you actually said. What you quoted in
 22 the affidavit, we don't have access to those
 23 files?

1 you were in the process of scanning records."
 2 Do you recall that conversation?
 3 A I think I do, and I think I did speak to him
 4 very generally on what was going on. I don't
 5 recall it being specific at all, just where
 6 were we going, did he know when it was going
 7 to get done. The date of this e-mail is what,
 8 February 8th of 2022. I was definitely trying
 9 to get some files I couldn't get.
 10 Q Do you remember anything specific about that
 11 earlier conversation, would have taken place
 12 two months earlier?
 13 A No, because I viewed it as pretty friendly and
 14 helpful. Nothing stood out in my mind.
 15 Q And even as we sit here today, you don't
 16 remember anything specific that you said to
 17 Mr. Feoli or he said to you back two months
 18 before February 8, 2022, correct?
 19 A I don't.
 20 Q Back to your affidavit, Exhibit 8, in
 21 paragraph 9, you write towards the bottom, "I
 22 told Feoli that I would inquire from Kleiner
 23 about when more money would be paid to get the

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1 A Right.
 2 Q Have you spoken to Mr. Feoli prior to this
 3 exchange you had about the frustration in the
 4 files?
 5 A I don't know that I did. I think I had one
 6 conversation, for sure. There might have been
 7 a second short one. I don't recall. I know
 8 left a message, for sure. I definitely left a
 9 message at one point, but it was over pretty
 10 quickly because it became a public incident.
 11 Q Let me show you this one.
 12 (Whereupon, the court reporter
 13 marked Exhibit Number 9, E-mail 2-9-22
 14 Feoli/Goodwin/Ortolano, for Identification.)
 15 Q This is an exhibit to your affidavit. It is
 16 marked 33-2 at the top. The first page
 17 appears to be an e-mail from you to Mr. Feoli
 18 with copies to Ms. Kleiner, the Mayor and the
 19 board?
 20 A Yes.
 21 Q In the third paragraph of the e-mail you
 22 write, "I spoke with you a couple months ago,
 23 and you provided a helpful explanation where

1 job done."
 2 Do you see that?
 3 A Yes.
 4 Q That is something you told Feoli you would do?
 5 A Yes.
 6 Q Do you speak at every meeting at which you
 7 attend, every public meeting?
 8 A No.
 9 Q Obviously, you attend a fair number, because
 10 we have a stack of them here.
 11 A I did up until 2022.
 12 Q Of the meetings that you attend, what is your
 13 best estimate of how frequently you would
 14 speak versus not speak?
 15 A Frequently, I would say 80 percent of the
 16 time, 85 percent of the time.
 17 Q So if we have, and we do, if we have 65
 18 meetings that you attended and spoke at
 19 between March 2021 and the end of 2021, you
 20 would have probably attended 80 meetings and
 21 spoke at about 65?
 22 A I would say yes, and giving me a time frame, I
 23 haven't looked at my records, so I would say

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1 Q So you asked Ms. Kleiner about the status of
 2 the scanning, and you didn't get a response
 3 back, is that accurate?
 4 A I don't recall any response back, and I went
 5 --
 6 Q Am I correct there was no response you can
 7 recall, is that correct?
 8 A I don't recall, yes.
 9 Q Fair enough. You don't recall whether there
 10 was or wasn't, as you sit here today?
 11 A Correct.
 12 Q Very good.
 13 Did you speak with any of the
 14 aldermen about the status of the scanning
 15 project at any time?
 16 A I am sure I tried, but the aldermen wouldn't
 17 respond to me.
 18 Q Not my question. So let's try it one more
 19 time so we can get out of here.
 20 Did you speak to any of the aldermen
 21 about the status of the scanning project at
 22 any time?
 23 A Yes.

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1 it was? Jonathan Cathey. He was short-lived,
 2 six months. He was one. He was the one in
 3 the meeting who started to ask questions when
 4 this project began, what the anticipation was
 5 to complete it. Those questions came up in
 6 the meeting.
 7 Q I'm not asking what happened in the meeting.
 8 Again, you keep getting my question confused
 9 with the one you would like me to ask you.
 10 The question is who did you talk to
 11 among the aldermen whether they were
 12 short-term aldermen or long-term aldermen
 13 about the status of the scanning project?
 14 You gave me three names?
 15 A And Cathey, four. Cathey, Sullivan --
 16 Q Comeau.
 17 A -- Comeau and Gouveia, and I don't know -- all
 18 four of them were on at the same time. So I
 19 don't know if one of them wasn't there.
 20 Q All right. And do you have a specific
 21 recollection as you sit here today of speaking
 22 to them verbally?
 23 A It is possible.

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1 Q Who and when?
 2 A I can't recall, but I know I did.
 3 Q How is it that you know you did?
 4 A Because it was being discussed. She was going
 5 in to do a presentation and it was on the
 6 agenda, I know when I saw it on the agenda,
 7 and I followed up. I wanted to know from the
 8 aldermen and tell them to ask, when is it
 9 going to be done? This has gone on well over
 10 a year. It was supposed to be quick. I know
 11 I reached out to an alderman to try and get
 12 them to ask questions.
 13 Q Was it Alderman Comeau?
 14 A It was probably Comeau, Sullivan or Gouveia.
 15 Q Did you call them, e-mail them, see them
 16 face-to-face?
 17 A It was probably a phone call or an e-mail.
 18 Q When you say probably, do I take that to mean
 19 you don't know one way or the other?
 20 A I don't.
 21 Q And did either of those three aldermen respond
 22 to you?
 23 A All I know is I remember -- no, you know who

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1 Q You don't know?
 2 A I don't.
 3 Q Do you have a specific recollection as you sit
 4 here today of e-mailing one or more of them?
 5 A I don't know.
 6 Q And do you have a specific recollection as you
 7 sit here today of seeing them face-to-face and
 8 asking a question?
 9 A I don't know.
 10 Q Fair enough. Give me one moment.
 11 MS. FEENEY: That is all I have
 12 right now. Thank you.
 13 INTERROGATORIES BY MR. CORRIGAN:
 14 Q A couple of questions. Ms. Ortolano, I am
 15 Brian Corrigan. I represent Inception
 16 Technologies, Incorporated and Raymond Feoli.
 17 I am going to refer to Exhibits 8 and 9, if
 18 you wouldn't mind pulling those out again.
 19 A Okay.
 20 Q Why don't we start with Exhibit 9?
 21 A Okay.
 22 Q And the first page, third paragraph of your
 23 e-mail to Feoli, you state, "Just to be clear,

<p style="text-align: right;">Page 150</p> <p>1 I am a citizen?"</p> <p>2 A Yes.</p> <p>3 Q Was that the first time you had notified Mr.</p> <p>4 Feoli, you were a citizen of Nashua?</p> <p>5 A Probably.</p> <p>6 Q Why didn't you tell him that the first time</p> <p>7 you communicated with him?</p> <p>8 A I thought he knew when I started talking to</p> <p>9 him about needing access to the files that we</p> <p>10 don't have access to these files, and unless</p> <p>11 they are brought back to the City, none of us</p> <p>12 can go in there and get property record files</p> <p>13 that we want to see if they are sitting in his</p> <p>14 warehouse.</p> <p>15 Q How would Mr. Feoli have known you were a</p> <p>16 citizen of Nashua with some right to those</p> <p>17 documents if you didn't identify yourself as</p> <p>18 such?</p> <p>19 A He explained to me his process, that they do</p> <p>20 this for citizens all over the state. They</p> <p>21 scan these files, bring them back in. He</p> <p>22 explained how they set up a computer at city</p> <p>23 hall that we would be able to access, that I</p>	<p style="text-align: right;">Page 152</p> <p>1 A Yes. Ms. Kleiner was not responsive, and it</p> <p>2 didn't get done. I don't think the computer</p> <p>3 is set up now.</p> <p>4 Q The City of Nashua doesn't have digital access</p> <p>5 to the files that Mr. Feoli's company has</p> <p>6 scanned in for them?</p> <p>7 A Only partial the last time I looked.</p> <p>8 Q When you say "partial," you mean only a few</p> <p>9 files or partial records of actual files?</p> <p>10 A Only -- not the full 25,000 properties, the</p> <p>11 last time I looked, and I was told that a lot</p> <p>12 of data had not been scanned and was missing,</p> <p>13 and my own 41 Berkeley file was very absent of</p> <p>14 records. It was very short and not what I</p> <p>15 expected. I was told they are still working</p> <p>16 to scan and put them in.</p> <p>17 Now, it has been a year since I</p> <p>18 looked, but still, that is 2023 from a project</p> <p>19 that started in 2020, so I really believed</p> <p>20 based on the presentation of Ms. Kleiner that</p> <p>21 this was a six-month project, and we were</p> <p>22 going to have our files.</p> <p>23 Q Now, Ms. Ortolano, in your e-mail to Mr. Feoli</p>
<p style="text-align: right;">Page 151</p> <p>1 would be able to go to this computer in the</p> <p>2 hallway as a citizen computer and open to the</p> <p>3 public to use.</p> <p>4 So he gave me this whole process of</p> <p>5 how this information is downloaded for</p> <p>6 citizens. So I believed he really knew it was</p> <p>7 me, that I was not misrepresenting myself. I</p> <p>8 thought I had a very good call with him.</p> <p>9 Q And you indicated Mr. Feoli was very friendly</p> <p>10 on your call with him?</p> <p>11 A Yes.</p> <p>12 Q And helpful?</p> <p>13 A And explaining what he does to bring these</p> <p>14 records back in and set up a computer that</p> <p>15 citizens can go and research all of this data.</p> <p>16 Q Now, did Mr. Feoli during one of your calls</p> <p>17 recommend to you, you should contact Kimberly</p> <p>18 to get access to the online database?</p> <p>19 A I don't recall if he did. Oh, to get</p> <p>20 access -- yes, I think he did do that. I do</p> <p>21 think he did.</p> <p>22 Q Did you ever speak to Ms. Kleiner about</p> <p>23 getting that access?</p>	<p style="text-align: right;">Page 153</p> <p>1 referenced in Exhibit 9, you made specific</p> <p>2 reference to a particular file related to</p> <p>3 78-84 West Pearl Street?</p> <p>4 A Yes.</p> <p>5 Q That was, I believe on the e-mail you sent out</p> <p>6 erroneously to a bad e-mail address.</p> <p>7 Is that how it worked?</p> <p>8 A Oh, maybe it did. I see it right down at the</p> <p>9 bottom.</p> <p>10 Q You attempted to send Mr. Feoli an e-mail that</p> <p>11 went to the wrong e-mail address?</p> <p>12 A I think some of the e-mail addresses that were</p> <p>13 online didn't work.</p> <p>14 Q Did it bounce back to you?</p> <p>15 A I don't know.</p> <p>16 Q How did you know that the e-mail, original</p> <p>17 e-mail didn't go to Mr. Feoli?</p> <p>18 A I think I asked him when I spoke to him, what</p> <p>19 address should I use.</p> <p>20 Q Okay. What is this particular file that you</p> <p>21 are referencing here in your e-mail to Mr.</p> <p>22 Feoli?</p> <p>23 A It's the Performing Arts Center.</p>

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1 Q So that is a property in Nashua?
 2 A Yes.
 3 Q And why were you seeking the property records
 4 file for that property?
 5 A Because we were, Ms. Colquhoun and myself were
 6 doing a lot of research on the Performing Arts
 7 Center, and it was newly constructed and
 8 permits have to be captured in order to
 9 produce an assessment that was fair, year over
 10 year, as the building was being built. We
 11 wanted to see what assessments were being
 12 placed on this property as construction was
 13 going on.
 14 Q Did you ultimately receive the file that you
 15 were seeking here?
 16 A Yes.
 17 Q Who gave it to you?
 18 A The City of Nashua.
 19 Q Does that indicate they got the file back from
 20 Mr. Feoli's company?
 21 A Yes.
 22 Q Now, I take it that you regularly request
 23 property record files from the City of Nashua,

1 redacting things like -- there is no personal
 2 identifiable information that the former chief
 3 ever considered was part of an assessing file
 4 except for business income forms which are
 5 always removed from a file for commercial
 6 files so we can't get them. They would not in
 7 the past redact an e-mail, but they adopted a
 8 policy in 2019, later in 2019, to take an
 9 e-mail off.
 10 Q When you received the 78-84 West Pearl Street
 11 file from the City of Nashua, was it redacted
 12 at all?
 13 A I don't recall.
 14 Q Now, you are probably much more familiar with
 15 the process than I am since I am not a New
 16 Hampshire resident, but I assume there is a
 17 procedure for petitioning the state when a
 18 municipality does not respond properly to your
 19 request for a public record, is that true?
 20 A Yes.
 21 Q What is that procedure?
 22 A It is RSA 91A. It is the Right-To-Know law in
 23 New Hampshire. It is an RSA state statute.

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1 is that safe to say?
 2 A No.
 3 Q Have you ever?
 4 A Yes.
 5 Q Now, when you get those files back, are they
 6 ever redacted?
 7 A Originally, no, not at all, and I really
 8 stopped obtaining files -- like this was a
 9 file I asked for in 2022, but I would say in
 10 2022, that might be the only file I asked for.
 11 I stopped asking for files in 2021,
 12 probably early on, and in 2018 and '19, they
 13 were not redacted. They were fully unredacted
 14 and available at the counter, and then in 2019
 15 when Ms. Kleiner took over, the files were
 16 going up to legal, they were scanning them and
 17 redacted. My files were redacted. They were
 18 in the assessing office unredacted. But then
 19 they were coming to me redacted.
 20 Q So you received files from the City of Nashua
 21 that contained taxpayers' personally
 22 identifiable information?
 23 A There really wasn't any in a file. They were

1 It is 91A and it gives you the right to
 2 petition the Court for records not received
 3 and gives you a remedy for that petition.
 4 Q Now, why didn't you follow that procedure in
 5 the case of 78-84 West Pearl Street?
 6 A Why didn't I?
 7 Q Why did you go to Mr. Feoli instead of
 8 petitioning the Court when the City did not
 9 give the file to you?
 10 A Oh, my gosh, the process of petitioning the
 11 Court is a nightmare. I would not want to go
 12 in and petition the Court on one property
 13 records file I didn't receive. That is 12
 14 months to wait. That is the problem. These
 15 things take forever to run through a court.
 16 Pick up the phone and ask the person
 17 who has it. When is it coming back, way
 18 easier than filing a lawsuit. It is \$400 to
 19 file and get a summons served. I definitely
 20 didn't want to file a lawsuit.
 21 Q Ms. Ortolano, is a private company providing
 22 services to a municipality subject to the
 23 Right-To-Know law?

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<p style="text-align: right;">Page 158</p> <p>1 A I didn't call him thinking about the 2 Right-To-Know law. 3 Q You were requesting a document that was a 4 public record? 5 A Well, that is not how I looked at it. I 6 requested a document that he was scanning that 7 is our public record. See the difficulty here 8 was his company did have all of our public 9 records. We didn't have them, and we have to 10 get them back. When he told me they were 11 sitting in a warehouse in boxes for like two 12 months done and nobody had picked them up and 13 they weren't shipped back, I was surprised. 14 You have to get these back, because we are 15 waiting for them. That is all. 16 MR. CORRIGAN: That is all I have. 17 Thank you. 18 MR. CULLEN: I don't have any 19 follow-up. 20 MS. FEENEY: I don't have any 21 follow-up. 22 MR. HILLIARD: Nor do I. 23 MR. OLSON: I have two corrections.</p>	<p style="text-align: right;">Page 160</p> <p>1 you can just read actually after "the citizens 2 of Nashua," can you read that? 3 A Which one is it? 4 Q The very bottom of the first page? 5 A "Affecting the citizens of Nashua, I have had 6 a good grasp on the workings of the Nashua 7 City Government." 8 Q I believe when Attorney Cullen read this for 9 you into the record, he said, "I have a good 10 grasp of the workings of Nashua." 11 You would agree it says "have had"? 12 A Yes. 13 MR. OLSON: Thank you. That is all 14 I have. 15 INTERROGATORIES BY MR. CULLEN: 16 Q As of the 5th day of December 2022, would you 17 agree you still had a good grasp on the 18 workings of the Nashua City Government? 19 A The 5th of December of 2022? 20 Q Yes. 21 A I am going to say I had a good grasp of the 22 workings of the board of aldermen as a 23 governing body of the City.</p>
<p style="text-align: right;">Page 159</p> <p>1 INTERROGATORIES BY MR. OLSON: 2 Q Laurie, can you refer to Exhibit 1, please? 3 A Okay. 4 Q Can you read the first sentence? 5 A "On 25, June '19 at approximately 0930 hours, 6 Detective Lieutenant D. Mederos and I met with 7 Laurie Ortolano and Laura Colquhoun." 8 Q Thank you. So earlier in questioning by 9 Attorney Cullen, I believe he asked you 10 whether or not you had triggered the 11 investigation into the assessing office. 12 Do you remember that? 13 A Yes. 14 Q And is that accurate? 15 A Well, it was two of us. It was Laura 16 Colquhoun and myself. 17 Q Thank you. That was the first point. 18 The other one, Exhibit 8, which I 19 believe is your affidavit? 20 A Got it. 21 Q So if you read with me, paragraph 3 on page 1, 22 and again, in questioning by Attorney Cullen, 23 I believe he read the sentence for you. If</p>	<p style="text-align: right;">Page 161</p> <p>1 MR. CULLEN: Okay. 2 THE WITNESS: There was so much 3 change. 4 (TIME NOTED: 2:37 p.m.) 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23</p>